

Why People Refuse to Blow the Whistle in Ghana

Joseph Antwi-Boasiako

Department of Public Administration and Health Services Management, University of Ghana, Legon - Accra

Abstract

The study uses specific cases from Ghana which has been reported in the Ghanaian media and the Whistleblowers Act of Ghana to undertake this study. The study is to understand why people do not blow the whistle against wrongdoers in the Ghanaian public sector even when they have admissible evidence. It is understood from the study that people may have different reasons for not blowing the whistle. The study makes some recommendations for an enforcement of rules and regulations governing whistle blowing in Ghana and for whistleblowers to put the Whistleblowers Act to test when their rights are trampled upon after they blow the whistle.

Keywords: Ghana, whistleblowing, whistleblowers Act 720

1. Introduction

The concept of whistleblowing has its roots from different but specific societies and cultures with different ways of understanding it. In the specific society, the perception of the concept that exist there becomes the biggest question. In recent years, the concept has received a large number of definitions arising from the different high profile whistleblowing cases. Different scholars and different organizations have defined whistleblowing based on their cultural orientation.

Whistleblowing has been defined as the disclosure by former or current members of an organization practices of illegality, immorality and illegitimacy to persons or organizations that may effect an action (Near and Miceli, 1985). This definition is in line with Rothschild and Miethe (1994) definition as disclosing harmful or illegal or ethical practices to the appropriate people in authority who may take the necessary action against it. Near and Miceli (1996) accepts that these definitions are the context of the US society. However, Bowden (2005) also defines it to be the exposure from inside or outside of an organization by people of some significant information on wrong doing or on corruption. He further that this wrongdoing and corruption should be in the public interest. In Ghana, the Whistleblowers Act 720 of 2006 which provides a legal framework on how whistleblowing cases are handled in Ghana defines the concept as the act of exposing or revealing an information of an impropriety by a person to either one, a group of persons or an institution.

Whistleblowing as according to Dworkin and Baucus (1998) take two forms. They are the external whistleblowing and the internal whistleblowing. To them, the choice of either internal and external has its own advantages and disadvantages and therefore choosing which type depends on the response of the organization to issues of whistleblowing and how it is retaliated. For instance, whiles the internal whistleblowing may give chance to avoid the negative consequences to the organization, the external instead causes a greater damage to the employer and the workers in the organization. Early ethics theorists have argued that the internal type of whistleblowing is more moral as compared to the external unless this channel will result in any form of retaliation against the whistleblower (Bowie, 1982; Near, 1989). Near (1989) puts it categorically that most organizations who are being accused of any form of wrongdoing will prefer the internal channels instead of the external. To Grant (2002), for a whistleblower to justify his or her whistleblowing, they are often required to exhaust the internal procedures laid down to correct the wrongdoings in the organization before going outside the organization. However, Domfeh and Bawole (2011) thinks otherwise and argues that an internal location is immaterial and therefore an external supplier who uncovers something in an organization can still blow the whistle. For example, a supplier who supplies to a company and finds that procurement officer is working against the interest of the organization should still blow the whistle against the him.

Like the Whistleblowers Act of Ghana, the Act 720 which seeks to ensure the rule of law, promote good ethics in public offices, preservation of the public interest and most importantly fight against corruption in the workplace, Domfeh and Bawole (2011) assert that whistleblowing have in some instances resulted in resignations, enactments of new laws, organizational restructuring, protection of public interest and at times to the extent of prosecution.

The endemic nature of corruption in developing countries and the potential damage this can cause if it remains entrenched is not in question (Khan, 1998). The danger of corruption is knowingly sensitive in environments where the reportage of wrongdoing is not supported or protected. Public and private sector employees have access to up-to-date information concerning their workplaces' practices, and are usually the first to recognise wrongdoings (United Nations Office on Drugs and Crime, 2004). It is therefore up to them to report cases of wrongdoing as it happens to curb these forms of corruption.

In the whistleblowers Act of Ghana, it outlines two instances where these kinds of impropriety can be

blown. First, the whistle can be blown when an act has occurred, is occurring or is likely to occur. This is because a whistle cannot be blown on mere suspicion, haunches, guesses or speculation. Secondly, the whistleblower must be sure that the conduct about which the disclosure is being made is corrupt, unlawful, illegal and amount to a form of impropriety under the whistleblower.

There are a lot of reasons why people blow the whistle or keep silent in an organization. For example, people may blow the whistle if they disagree with their superior or their co-workers (Miceli, Near and Dworkin, 2008). They speak out because they will want to bring to light some form of abuse or negligence, alert to risk. Again, a person's religious, cultural and ethical background can also influence his or her decision to blow the whistle (Brown, 2008; Zhang, Chiu and Wei, 2009). This means that people who have strong ethical values are likely to blow the whistle if they come across some actions that seem unethical to them. In the same vein, a person with a higher religious value may blow the whistle of things against his values.

Also, some workers are motivated by their loyalty to the organization and they are therefore likely to blow the whistle as much as it benefits the organization (Lewis, 2011). Others do it when they believe the matter at hand is in the public interest so when public officials engage in any form of wrong doing being corruption, fraudulent or harmful activity like maladministration, abuse of power, unauthorised use of public funds and other forms of malpractices (Ghana Whistleblower Act, 2006)

Unlike the outside and developed world where whistleblowing is attractive because of some of the motivation that comes with it, whistleblowing attracts a rather negative consequence. However, aside all the motivation people have to blow the whistle, they are still not willing to blow the whistle.

Also, a good number of channels and organizations have been put in place for all persons to report any kind of impropriety to. For example, in the Whistleblowers Act 720 of Ghana, a list of institutions have been outlined to motivate individuals to blow the whistle. Amongst these are the employer, the police, Attorney General, Auditor general, staff of an intelligence agency, a member of parliament, serious fraud office, commission on human rights and administrative justice, the national media commission, the narcotics control board, through other ranks to the office of the president (Whistleblowers Act, 2006, p4). All these channels are to give a whistleblower in Ghana different levels of authority on which they can blow the whistle.

Domfeh and Bawole (2011) posit that whistle blowing entails anticipated and real risk or what some scholars call hazards associated with whistleblowing. Therefore, in Africa, it is rare to see people blow the whistle even when they have an inadmissible evidence that won't presumably won't create any form of risk or hazards against the individuals who blow it. Ghana is no exception to this, and it is therefore on this premise that this paper seeks to identify some of the reasons why people are unlikely to blow the whistle notwithstanding the kind of evidence and its level of admissibility.

2. Legal framework

Whistleblowing laws differ from country to country, culture to culture, organisation to organisation among others. Different countries have passed different laws in an attempt to encourage people to expose all forms of wrongdoing in the country. In Africa for instance, Domfeh and Bawole (2011) named South Africa, Liberia, Kenya, Ghana amongst the few countries who have taken the issues of whistleblowing seriously and have provided laws to legally back it.

In Ghana, the whistleblowers Act has been passed by the Parliament of Ghana in the year 2006 to give a legal framework for all issues of whistleblowing in Ghana. The Act is the Seven Hundred and Twentieth Act of the Parliament of the republic of Ghana. The Act has been described to provide for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection against victimisation of persons who make these disclosures; to provide for a Fund to reward individuals who make the disclosures and to provide for related matters.

3. Discussion

In Ghana, workers can blow the whistle for six reasons (Ghana Whistleblower Act, 2006, s. 1). For example, workers may blow the whistle when they reasonably believe that the employer's act results in or is likely to result in the loss, misappropriation, or mismanagement of public funds. Workers may also blow the whistle when they reasonably believe that the employer breaks the law, or is about to break the law, or is likely to break the law. In addition, workers may blow the whistle when they reasonably believe that the acts of the employer relate to the unfair administration of justice, waste, or mismanagement of public resources, and degrading of the environment. Finally, workers may blow the whistle when they reasonably believe that the acts of the employer either endanger or is likely to endanger the health and safety of individuals or a community. From Ghana's point of view then, whistleblowing is more an ethical issue. It means that something is wrong and someone wishes to see it set right for the benefit of the business. Thus, the act might not be criminal; it could be that there is inefficiency or to prevent potential harm to others.

People are still not able to blow the whistle against others and their organizations in Ghana for the reasons below.

3.1 Harms towards whistle-blower

The suffering of the whistleblowers varies from severe through to minor ones ranging from changed job conditions, demotion from positions, losing jobs, income loss, psychological and sometimes medical problems, destruction of their properties, assault and to an extent murder (Smith and Oseth, 1993). This is buttressed by Glazer and Glazer (1989). They discuss blacklisting, dismissal, transfer, personal harassment and sexual exploitation always used by organizations to discredit and destroy whistleblowers. They are at other times referred to as hazards or retaliations against the whistleblower (Domfeh and Bawole, 2011).

Looking specifically at the Whistleblowers Act of 2006, the Act 2006, it acknowledges that people who blow the whistle are likely to face with some form of victimization at the workplace. In the Act, the person who blows the whistle may be subjected to the following by his co-workers or employers like dismissal, suspension, declaration of redundancy, denial of a promotion, transfer against your will, harassment, intimidation, threats with any of the above punishment and to some extent discrimination.

Some of these forms of harassment along with others is selected and discussed with specific examples in Ghana;

i. Dismissal

In the Act, it is assumed that people can get dismissed at times when they blow the whistle. After they have blown the whistle, they are sometimes dismissed from their workplaces. So therefore, when people even have admissible evidence, due to the some of the instances they have heard or read about, they are unlikely to blow the whistle.

A good example is the case between an employee called Mr Lawrence Mensah and the Produce Buying Company (PBC) in Ghana in the year 1983. The PBC is a cocoa purchasing and subsidiary of the Cocoa Marketing board. In this case, this employee discovered that the PBC General Manager and his deputy's involvement in a massive defrauding of the state property for their personal gains. They had diverted some of the heavy-duty vehicles tyres which were meant to be used for evacuation to the black market and kept the whole proceeds to themselves. This was happening in the Brong Ahafo Region of Ghana. This young employee teamed up with some few friends to intercept one of the stolen consignment which was been sent to the black market to be sold. They did so to get an admissible evidence to be able to report this conspiracy. Even though they were bribed, they sent the cash to the Kaneshie Police station as an admissible evidence to admit their bosses.

As a result of blowing the whistle, Mr Lawrence Mensah was dismissed. He was charged with "communicating to the mass media about matters relating to the Board, in contravention of Board regulations" (The Chronicle, April 2014).

ii. Suspension / Proceed on Leave

Another form of retaliation or harm caused to a whistleblower is the issue of suspension. When people blow the whistle, their employers find different ways and means to get them suspended. Due to their employers' inability to out rightly dismiss them because of some contractual issues, they find different ways and means to suspend them for some days. This kind of suspension varies from an indefinite suspension or a temporal one where one is been asked to proceed on leave till they are called back. For this reason, even people with admissible evidence who can blow the whistle for fear of going through this are unlikely to blow the whistle.

A typical example of such a happening is the case misappropriation by the Minister of Youth and Sports. The minister in this case was said to have taken an amount of about \$20,000 for his personal gains. And this happened on two different times. Again, he was to have financed his girlfriend's trip to Germany using the state resources and finally he was taking an amount of GH¢ 800 more than what he was supposed to be taking as per diem for his role as a minister travelling with the sports teams. These were revealed by the Chief Director, Mr Albert Anthony Ampong and the Chief Accountant of the same ministry. In this case, the whistleblowers under the Act 720, Section 3(1) made a disclosure to the president of Ghana. This led to the president asking the minister to resign without any further charges against him. However, to the good people who saw the misappropriation and blew the whistle, they were asked to go on the short form of suspension which was termed as the proceed on leave. Eventhough they went further to get an order from the court to be reinstated which even came with other forms of harassment like intimidation, they still suffered from blowing the whistle on this kind of misappropriation (Daily Guide, 2009)

With this example, it is very likely that someone who reads about this or hear about this in order not to go through what this chief account and chief director went through may be very reluctant to blow a whistle on any issue even when they have any form of clear or admissible evidence. They will still hesitate to blow the whistle.

iii. Transfer against your will

In some cases, as according to the whistleblowers Act, people who blow the whistle maybe transferred from their current work places to other places against their will. These forms or type of transfers are always in the negative as a form of punishment for blowing the whistle on a form of misappropriation or a wrongdoing in the organization, society or the sector as a whole. In Ghana, cases have happened where people who blew the

whistle are transferred from their current places to places which will be very inconvenient for them. This is done to stop them from telling the outside world what they see wrong in the organization.

In the year 2009, it was reported that the Chief Executive Officer of the Forestry commission of Ghana was petitioned by a worker of Dupaul Wood treatment called Mr Boakye Yiadom about the illegal cutting down of timber at the buffer zone in the forest reserve in Subri, a suburb of Takoradi, the worker alleged that his former bosses along with their former employers were cutting down the timber which were running into millions of dollars for free. The Government of Ghana was not getting a penny from these illegal falling down of trees in the form of taxes. Because of this, his employers served him with a notice of transfer which he didn't request. The employers were unhappy about his behaviour even though it is quite strange but they still got him transferred. (GACC, 2012)

As a result, if people who are very comfortable at their work places and established themselves with their families are faced to blow the whistle even after having an admissible evidence would opt instead of keeping the information about the wrong doing. They will do so to avoid some of these kinds of harms.

iv. Intimidation

Employees who are not dismissed from blowing the whistle, who are not suspended or asked to proceed on leave and finally not transferred against their will sometimes also face a problem called intimidation. This is also acknowledged by the Whistleblowers Act that people who blow the whistle may be either be intimidated by their employers or their fellow employees.

For example, with the case of Mr Lawrence Mensah, after petitioning against his wrongful dismissal, the chairman of the Provisional National Defence Council upheld his petition. He was to be reinstated and all his benefits due him during the period paid him. However, upon his return, he was intimidated by his employers. Instead of reinstating him, he was rather tricked to accept another appointment in the same organization which was to lead to his retrenchment.

It is for these kinds of intimidations why people are reluctant to blow the whistle against their superiors or co-workers in the organization. Because they are unwilling to go through these kind of intimidation, they will rather keep mute even when they have an admissible evidence.

v. Harassment

As reported in the Ghana News Agency (GNA) in July, 2013, one man named Opanyi Kodjo Attah (name not real), a farmer at Matimeho, residing in the Afram Plains of the Eastern Region, says he has for several years concealed the corrupt practices of a public officer, who stays in the same area with him. The farmer says he is aware of the civic responsibility that enjoins every Ghanaian to report any suspected corrupt or illegal activity to the security agencies or other related bodies for the necessary action. Opanyi Attah, however, stated that he would not risk being called derogatory names by members of his community, which would tarnish his image and that of his wife, children, friends and family just in the name of fulfilling a civic duty. He said in Ghana, people who attempt to expose corrupt practices are rather tagged okro mouth, antisocial and at times physically or verbally attacked.

Just like Opanin Attah, because people are scared to be verbally or physically attacked, they will prefer not blowing the whistle to blowing and getting attacked verbally and physically.

vi. Spiritual Attack

In Ghana, another dimension of the harms done to whistleblowers is spiritual. It is believed that even if people are not attacked physically, they can also be physically attacked by people they blow the whistle against. For instance, in the GNA story in July 2013, Opanin Attah added that, even after blowing the whistle, one's identity can be revealed spiritually if protected physically. Afterwards, some forms of spiritual attacks are sent to the whistleblower. According to Opanin Attah, he states emphatically that *"I prefer to accommodate corrupt officials in my community and have my peace than to report them and go through hell on earth"*.

Because of this, people who are having admissible evidence maybe fear of any form of spiritual attack and therefore would rather keep them like OpaninAttah.

3.2 Protection of Whistleblowers

The protection of the whistleblower is also one important dimension to the reason why many people would rather keep evidences to themselves rather blowing it. In some other countries who do not have any laid down rules and regulations protecting whistleblowers, people tend to fear for their protection and therefore are unlikely to blow the whistle. Fortunately for Ghana, the whistleblowers Act is regarded as the law to protect people who blow the whistle. However, in the case of OpaninAttah, he argues that whistleblowers are not protected physically and neither are they protected spiritually.

Domfeh and Bawole (2011) posits that in most whistleblowing instances, protection is either partially or illusionary. They add that their identities are usually made public and they are faced with some punishments. In effect, even though the laws have been put in place but they are just either illusionary or works partially. Using Mr Lawrence Mensah's example, following his petition, the Chairman of the Provisional National Defence

upheld his petition. In this situation, the law seems to be protecting people who blow the whistle like Mr Mensah. However, for an unknown reason, Mr Mensah was not reinstated.

In the case of the Chief director and the Minister of Youth and Sports to, the whistleblowers were rather punished instead of the minister who has misappropriated the monies. Even though the laws are in existence by it couldn't protect the whistleblowers due to involvement of the powerful people in the country.

It is prudent therefore to know that whistleblowers are not legally protected at all in instances where the country has no law but in a country like Ghana where there is an Act to protect such people the laws are just illusionary and do not really protect the people who blow the whistle. Because of this, people who have evidence of wrongdoings which could have easily admitted people for their wrongdoings are still reluctant.

3.3 Reporting and inaction

Another reason why people fail to report any form of wrongdoing is their belief that the actions they have report will not be acted on yield any substantial results. In the definition of whistleblowing above, the person blowing the whistle after seeing any impropriety reports to someone so that the impropriety can be corrected and the eliminated. Whistleblowers must be of the belief that the person they are reporting or giving the information to will take action against the wrongdoer (Keenan and McLain, 1992), however it has not usually been the case.

Like the case of Mr Anas Gyimah, a worker of the Osoko Company Limited. He worked with the company for 10 years as their Industrial and Market Analyst. Osoko Company has been practicing some unethical practices recently. They have been discharging at an outskirt of a developing area waste in a landfill site. Due to the political and economic implications, all attempts by the local people have proved futile. The political implication is because the company is owned by some big people of the party in power and gives employment to many people mostly the foot soldiers of the party. Their taxes have been one of the biggest sources of revenue of the district in which they operate. It is reported that even though Mr Gyimah has in his possession documents which harbours admissible evidence of Osoko company paying people to overlook their unethical behaviour or practices. He has not been able to report this issue and has been contemplating over reporting this for close to four (4) months now. This is because he is of the belief that due to the political connection of the company and their economic contribution, no action will be taken against them (GACC, 2012).

In a situation like this, Westin (1981) argues that people who blow the whistle expect some reasonable amount of success before they blow the whistle, therefore at another time a misappropriation involves another top official who is untouchable like the minister, it can be concluded that no one would blow such a whistle. Martin (1999) further agrees to this analogy that unless the outcomes are anticipated to be realized, whistleblowing should not be resorted to.

4. Recommendations

In solving the problem of people fear of harms against them, reporting and inaction and the problem of protection and the other factors why people do not report wrongdoing even when they have admissible evidence, some recommendations are made to policy makers and also to the whistleblowers themselves. These recommendations is based on experiences of other countries and solutions to some of the problems that some people who blow the whistle face.

First, to policy makers, following experiences from other countries, it can be noted the passage of legislative laws have been a very good reason why there has been an increasing number of whistleblowing cases reported. This is because, people now feel they are protected by the law even when they blow the whistle against their superiors and their co-workers. This is buttressed by Domfeh and Bawole (2011), where to them, the passage of laws that support whistleblowing have been proven to be very useful. However, in places like Ghana where the laws are in existence but are seen to be illusionary or partial to people, the laws should be seen to be working across all facets to motivate people to blow the whistle. However, to whistleblowers, they should also not see these laws as just illusionary but rather in existence to protective them. By so doing, they will blow the whistle and put these laws to test when their rights are trampled upon. For instance, as according to Ofori-Kwarfo (December, 2014), she revealed at a workshop that since the passage of the Whistleblowers Act in 2006, only 10 people had put it to test. Therefore, to whistleblowers, they should have the courage to blow the whistle and when their rights are trampled upon, they should put the Whistleblowers Act to test to protect them.

Drawing from Korea, whistleblowers can get between 2% to 10% of the accrued benefits (Lee, 2004). Also in 1863 in the United States, Seagull (1995) adds that people were awarded 10% of refunded funds when they provide information leading to a successful prosecution of people who were involved in fraud against the state. Financial rewards can be instituted to encourage people to blow the whistle. Vodafone Ghana recently upon realizing some recurring incidence of cable theft in the country, they introduced financial rewards from the citizenry. The company offered GHc400 to people who provided them with credible information that led to an arrest of culprits and GHc600 added when the offender is jailed. This policy can be instituted by other public corporations and private to encourage people to blow the whistle.

5. Conclusion

In conclusion, people may be reluctant to report of wrongdoing when they feel they are not protected, they will report and nothing will be done to culprits, and other forms of harms like suspension, dismissal, intimidation amongst others will be done to them however when they feel they are very much protected and the laws is being no respecter of people who in authority but when they are of the outmost belief that these laws are not illusionary but rather protect them from the harms of whistleblowing, they would blow the whistle. Again, when there are financial rewards in place for them to pick after giving out information of wrongdoing, they will willingly give out any information that would earn them these financial benefits

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The author is a second year Master of Philosophy in Public Administration student of the Department of Public Administration and Health Services Management of the University of Ghana. The author holds a Bachelor of Arts degree in political studies from the Kwame Nkrumah University of Science and Technology, Kumasi – Ghana in the year 2013.